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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,909	11/26/2003	Marc Kevin Jordan	SIG000104	6270

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EXAMINER

PATEL, ANAND B

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/723,909	JORDAN ET AL.	
	Examiner	Art Unit	
	Anand Patel	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-13 is/are allowed.
- 6) ☒ Claim(s) 1-3, 14 and 15 is/are rejected.
- 7) ☒ Claim(s) 4, 5 and 16-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 16-18 are objected to because of the following informalities: claims contain the phrase “a multi-function handheld device” which should be changed to “the multi-function handheld device”.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 14 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No 6901493 to Maffezzoni.

- As per claim 1, Maffezzoni discloses a method comprising:
 - Storing data (100c) in a data oriented storage medium (100);
 - Storing an operating system program (100b; OS) in the same storage medium as the data (100; figure 1A); and
 - Protecting the operating system program from being overwritten when data is written to the storage medium (column 2, lines 31-32).
- As per claim 14, Maffezzoni discloses a multi-function handheld device comprising:

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- A system (column 4, lines 12-16) on a chip integrated circuit (inherent that the system contains a motherboard to which the components are attached) that includes an internal memory (100) and a processor (inherent given the system is a computer system);
- A data oriented memory (100) coupled external to the integrated circuit (column 3, line 66 – column 4, line 5; remotely located hard drive) to operate as data storage medium for the integrated circuit (column 3, line 66 – column 4, line 5), the data oriented memory including a hidden area to store an operating system program which boots the integrated circuit (104c; hidden partition of remotely located hard drive).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maffezzoni in view of US Patent No 6815311 to Hong et al (Hong).

- As per claim 2, Maffezzoni discloses the method wherein the storing the data and operating system program are achieved on a memory device (figure 1A; 100). Maffezzoni fails to disclose wherein the memory device is a NAND type flash memory device. Hong teaches a memory device that is a NAND type flash memory device (column 1, lines 13-16). An advantage of the system taught by Hong is the ability to lower cost per bit of memory (column 1, lines 21-23). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Maffezzoni with the NAND type flash memory device as taught by Hong. Motivation to modify is to lower production costs.

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- As per claim 3, Maffezzoni discloses the method wherein protecting the operating system program is achieved by using a hidden memory block in the memory device to store the operating system program (column 2, lines 31-32). Hong teaches a memory device that is a NAND type flash memory device (column 1, lines 13-16).
- As per claim 15, Maffezzoni discloses the multi-function handheld device containing the data oriented memory (100). Hong teaches a memory device that is a NAND type flash memory device (column 1, lines 13-16).

Allowable Subject Matter

6. Claims 6-13 are allowed. Maffezzoni discloses a method comprising: accessing a storage device to identify a portion of the storage area as a hidden area for storing data and loading the operating system program stored in the portion of the storage area identified as hidden. Prior art does not disclose or suggest storing an operating system in a storage area that has been identified as a bad area or using a tag to determine the presence of an operating system or to load the operating system into the bad area.
7. Claims 4-5, 16-18 are objected to as being dependent upon a rejected base claim, but, for the reasons outlined above, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - US Patent No 7009896 to Yoon et al teaches a flash memory that stores an operating system in order to protect the operating system from damage.
 - Unexamined Japanese Patent 2004-127040 to Kono et al teaches storing an operating system on a hidden partition of a data storage device.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Patel whose telephone number is (571) 272-7211. The examiner can normally be reached on Mon-Fri 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ABP


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